

AMENDED IN SENATE APRIL 8, 2010

SENATE BILL

No. 1118

Introduced by Senator Ashburn

February 17, 2010

An act to ~~amend Section 84105 of~~ *add Section 84207 to* the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1118, as amended, Ashburn. Political Reform Act of 1974: ~~campaign disclosure~~ *contributions: disclosure.*

Existing law, the Political Reform Act of 1974, requires reporting of contributions made to a candidate for elective state office. Certain contributions are required to be reported to the Secretary of State within 24 hours by the contributor and the recipient.

This bill would require the contributor and recipient of a contribution or contributions to the Governor or a Member of the Legislature totaling \$1,000 or more during a specified state budget time period or a specified period before or after the end of the first year or 2nd year of a legislative session to file online a report disclosing the contribution or contributions within 24 hours of the time the contribution is made or received.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

By subjecting persons who violate these provisions to criminal penalties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a ²/₃ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

~~Existing law requires that a candidate or committee that receives contributions of \$5,000 or more from a person to inform that person, within a specified timeframe, that he or she may be required to file campaign reports.~~

~~This bill would make nonsubstantive changes to this provision.~~

Vote: ~~majority~~²/₃. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 84207 is added to the Government Code,
- 2 to read:
- 3 84207. (a) (1) In addition to any other report required by this
- 4 title, a person who makes a contribution or contributions to the
- 5 Governor or a Member of the Legislature as specified in
- 6 subdivision (b) shall file online or electronically with the Secretary
- 7 of State a report disclosing a contribution or contributions made
- 8 in the amount of one thousand dollars (\$1,000) or more. The report
- 9 shall disclose the same information required by subdivision (a) of
- 10 Section 84203 and shall be filed within 24 hours of the time that
- 11 the contribution was made.
- 12 (2) In addition to any other report required by this title, the
- 13 Governor and any Member of the Legislature who receives a
- 14 contribution or contributions from a person as specified in
- 15 subdivision (b) shall file online or electronically with the Secretary
- 16 of State a report disclosing receipt of a contribution or
- 17 contributions of one thousand dollars (\$1,000) or more. The report
- 18 shall disclose the same information required by subdivision (a) of
- 19 Section 84203 and shall be filed within 24 hours of receipt of the
- 20 contribution.
- 21 (b) Subdivision (a) applies to contributions made as follows:
- 22 (1) A contribution made to the Governor or a Member of the
- 23 Legislature during the time period between the date in May that

1 *the Director of Finance, pursuant to subdivision (d) of Section*
2 *13308, or a successor statute, provides to the Legislature a revised*
3 *estimate of the General Fund revenues for the current fiscal year*
4 *and the ensuing fiscal year, any proposals to reduce expenditures*
5 *based on that estimate, and any proposed adjustments to the*
6 *Governor's Budget, and the date of the enactment of the Budget*
7 *Bill for the fiscal year commencing the following July 1.*

8 (2) *A contribution made to the Governor or a Member of the*
9 *Legislature during the 15-day period before the date scheduled*
10 *for the Legislature to adjourn in joint recess to reconvene in the*
11 *second calendar year of the biennium of the legislative session or*
12 *during the 15-day period before September 1 of the second*
13 *calendar year of the biennium of the legislative session.*

14 (3) *A contribution made to the Governor during the 30-day*
15 *period following the date the Legislature adjourns in joint recess*
16 *to reconvene in the second calendar year of the biennium of the*
17 *legislative session or during the 30-day period following September*
18 *1 of the second calendar year of the biennium of the legislative*
19 *session.*

20 SEC. 2. *No reimbursement is required by this act pursuant to*
21 *Section 6 of Article XIII B of the California Constitution because*
22 *the only costs that may be incurred by a local agency or school*
23 *district will be incurred because this act creates a new crime or*
24 *infraction, eliminates a crime or infraction, or changes the penalty*
25 *for a crime or infraction, within the meaning of Section 17556 of*
26 *the Government Code, or changes the definition of a crime within*
27 *the meaning of Section 6 of Article XIII B of the California*
28 *Constitution.*

29 SEC. 3. *The Legislature finds and declares that this bill furthers*
30 *the purposes of the Political Reform Act of 1974 within the meaning*
31 *of subdivision (a) of Section 81012 of the Government Code.*

32 ~~SECTION 1. Section 84105 of the Government Code is~~
33 ~~amended to read:~~

34 ~~84105. A candidate or committee which receives contributions~~
35 ~~of five thousand dollars (\$5,000) or more from a person shall~~
36 ~~inform the contributor that he or she may be required to file~~
37 ~~campaign reports. The notification shall occur within two weeks~~
38 ~~of receipt of the contributions but need not be sent to a contributor~~

- 1 ~~who has an identification number assigned by the Secretary of~~
- 2 ~~State issued pursuant to Section 84101.~~

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